

¶ 2). Under current agency guidelines, instead of the electronic copy of the CAR, because Plaintiff is pro se in this matter, the agency is required to prepare a separate paper copy to file and serve to Plaintiff (Naicker Decl. at ¶ 3). Counsel attempted to reach Plaintiff by telephone on January 29, 2019, but could not reach Plaintiff as the call failed, despite repeated attempts to reach her (*Id.* at ¶ 4). To the extent the Motion is not granted, Defendant will not be able to provide a copy of the CAR to Plaintiff in order for her to prepare her Motion for Summary Judgment. (*Id.* at ¶ 5). Defendant makes this request in good faith with no intention to unduly delay the proceedings. Defendant respectfully requests that the Scheduling Order be modified accordingly.

Respectfully submitted this 29th day of January 2019,

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Tina L. Naicker
TINA L. NAICKER
Special Assistant United States Attorney
Attorneys for Defendant

CERTIFICATE OF SERVICE

I, TINA L. NAICKER, certify that the following individual was served with a copy of the
**DEFENDANT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S
COMPLAINT AND FILE CERTIFIED ADMINISTRATIVE RECORD**
on the date and via the method of service identified below:

By U.S. Mail on January 30, 2019:

Sheyla M. Frias
6320 Alderlyn Ave
Las Vegas, NV 89122
Attorneys for Plaintiff

Respectfully submitted this 29th day of January 2019,

/s/ Tina L. Naicker
TINA L. NAICKER
Special Assistant United States Attorney

NICHOLAS A. TRUTANICH, NSBN 13644
United States Attorney
District of Nevada
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San Francisco, California 94105
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E-Mail: Tina.Naicker@SSA.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SHEYLA M. FRIAS,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

Case No. 2:18-cv-00987-GMN-PAL

**DECLARATION OF TINA L. NAICKER IN
SUPPORT OF DEFENDANT'S MOTION FOR
EXTENSION OF TIME TO RESPOND TO
PLAINTIFF'S COMPLAINT AND FILE
CERTIFIED ADMINISTRATIVE RECORD.**

DECLARATION OF TINA L. NAICKER

I, Tina L. Naicker, declare, as follows:

1. I am an Assistant Regional Counsel for the Office of the General Counsel, Region IX, Social Security Administration. I am Special Assistant United States Attorney assigned to the Northern District of California, and am the primary attorney handling the defense of this matter. I make this Declaration on personal knowledge of the facts and circumstances herein and if called to testify could and would do so competently.

2. On August 21, 2018, Plaintiff filed her complaint (Dkt. 7). Defendant was served on November 27, 2018. As such, the deadline for Defendant to respond to Plaintiff's Complaint and file Decl. of TLN ISO Motion for Extension of Time to File Answer and CAR; Case No. 2:18-cv-00987-GMN-PAL

1 and serve a copy of the Certified Administrative Record (CAR) was on January 28, 2019. Due to a
2 calendaring and/or technical error, I did not accurately calendar Defendant's response time and upon
3 learning the error, I immediately sought an extension of time. Defendant is respectfully requesting
4 additional time to prepare a paper copy of the CAR and serve Plaintiff.

5 3. Under current agency guidelines, instead of the electronic copy of the CAR, because
6 Plaintiff is pro se in this matter, the agency is required to prepare a separate paper copy to file and
7 serve to Plaintiff. As such, additional time is required in order to prepare a paper copy of the CAR to
8 serve Plaintiff.

9 4. I attempted to reach Plaintiff by telephone on January 29, 2019, but each attempt
10 resulted in "Call Failed" and I was not able to reach her by the telephone number listed on the docket.
11 I have no reason to believe that Plaintiff would object to the requested relief and will suffer no
12 prejudice as a result of the request for extension.

13 5. To the extent the Motion is not granted, Defendant will not be able to provide a copy of
14 the paper CAR to Plaintiff in order for her to prepare her Motion for Summary Judgment.

15 6. The current due date for Defendant's time to respond to Plaintiff's complaint was
16 January 28, 2019. The new due date for Defendant to file her response and CAR would be **February**
17 **27, 2019.** Defendant respectfully requests that the Court's scheduling order be modified accordingly.

18 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above statements are true and
19 correct.

20
21 DATED: January 29, 2019

/s/ Tina Naicker

CERTIFICATE OF SERVICE

I, TINA L. NAICKER, certify that the following individual was served with a copy of the

**DECLARATION OF TINA L. NAICKER IN SUPPORT OF DEFENDANT'S MOTION FOR
EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT AND FILE
CERTIFIED ADMINISTRATIVE RECORD**

on the date and via the method of service identified below:

By U.S. Mail on January 30, 2019:

Sheyla M. Frias
6320 Alderlyn Ave
Las Vegas, NV 89122
Attorneys for Plaintiff

Respectfully submitted this 29th day of January 2019,

/s/ Tina L. Naicker
TINA L. NAICKER
Special Assistant United States Attorney

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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 SHEYLA M. FRIAS,

7 Plaintiff,

8 v.

9 NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

10 Defendant.

) Case No. 2:18-cv-00987-GMN-PAL

) **[PROPOSED] ORDER GRANTING**
) **DEFENDANT'S MOTION FOR EXTENSION**
) **OF TIME TO RESPOND TO PLAINTIFF'S**
) **COMPLAINT AND FILE CERTIFIED**
) **ADMINISTRATIVE RECORD.**

11
12 **[PROPOSED] ORDER**

13 For good cause appearing therein, IT IS HEREBY ORDERED that the Motion for Extension
14 of Time for Defendant to Respond to Plaintiff's Complaint and File Certified Administrative Record is
15 hereby GRANTED. Plaintiff shall file her motion for summary judgment on or before **February 27,**
16 **2019.** All other deadlines shall be extended accordingly.

17 **IT IS SO ORDERED.**

18
19 Dated: January 31, 2019


THE HONORABLE PEGGY A. LEEN
United States District Court Magistrate Judge

CERTIFICATE OF SERVICE

I, TINA L. NAICKER, certify that the following individual was served with a copy of the
**[PROPOSED] ORDER GRANTING MOTION FOR EXTENSION OF TIME TO RESPOND
TO PLAINTIFF'S COMPLAINT AND FILE CERTIFIED ADMINISTRATIVE RECORD**
on the date and via the method of service identified below:

By U.S. Mail on January 30, 2019:

Sheyla M. Frias
6320 Alderlyn Ave
Las Vegas, NV 89122
Attorneys for Plaintiff

Respectfully submitted this 29th day of January 2019,

/s/ Tina L. Naicker
TINA L. NAICKER
Special Assistant United States Attorney